

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| JOSEPH RABADI, | : |
| Plaintiff, | : |
| v. | : |
| CITY OF YONKERS, MIRIAM E. ROCAH, in | : |
| her official capacity as district attorney for | : |
| Westchester County, COUNTY AUTO & | : |
| COMMERCIAL TOWING NORTH, INC., | : |
| A.D.A. BRIAN BENDISH, AMERICREDIT | : |
| FINANCIAL SERVICE, INC. a/k/a | : |
| AMERICREDIT CORP. both d/b/a GENERAL | : |
| MOTORS FINANCIAL COMPANY, INC., and | : |
| LOCATION SERVICES, LLC, | : |
| Defendants. | : |

ORDER

21 CV 1258 (VB)

The Court conducted a status conference today for the purpose of addressing plaintiff's motion for an amended writ of replevin (Doc. #49) and all other case management matters, at which counsel for all parties appeared by telephone.

Accordingly, it is HEREBY ORDERED:

1. The Court construes plaintiff's June 28, 2021, letter (Doc. #73) as a motion for leave to file a third amended complaint ("TAC"). On consent of all parties, plaintiff's motion for leave to file a TAC is **GRANTED**. Accordingly, the TAC (Doc. #71) is accepted for filing and is now the operative complaint in this matter.

2. In light of the TAC, the motion of defendants District Attorney Miriam E. Rocah and A.D.A Brian Bendish to dismiss the second amended complaint (Doc. #56) is **TERMINATED** as moot without prejudice to refiling.

3. By July 13, 2021, defendants shall answer, move, or otherwise respond to the TAC.

4. By July 13, 2021, plaintiff shall file a letter confirming that his vehicle has been returned.

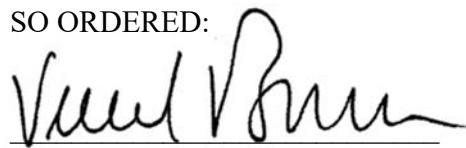
5. By July 29, 2021, plaintiff shall file a letter regarding the status of settlement discussions and whether the Court should refer the parties to the Court-annexed Mediation Program.

The Clerk is instructed to terminate the motion. (Doc. #56).

The Clerk is further instructed to accept the Third Amended Complaint (Doc. #71) for filing.

Dated: June 29, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge